

claims by the current Amendment. The attached pages are captioned **“Version with markings to show changes made.”**

## **I. THE CLAIMED INVENTION**

Applicant's invention, as disclosed and claimed (for example, by independent claim 3), is directed to a semiconductor device.

The exemplary semiconductor device includes a first transistor having a first gate put between a first source and a first drain, a second transistor arranged adjacent to the first transistor, the second transistor having a second gate put between a second source and a second drain, a first dummy gate arranged between the first drain and the second source, a second dummy gate arranged adjacent to the first source, and a third dummy gate arranged adjacent to the second drain. The first and second gates, and the first, second and third dummy gates are evenly spaced.

Such features are not taught or suggested by any of the cited references, either alone or in combination.

## **II. THE PRIOR ART REJECTIONS**

### **A. The U.S.C. § 102(e) Rejection Based on Hansch**

The Examiner asserts that “Hansch discloses (see, for example, FIG. 5 and FIG. 3A-3B) a semiconductor device comprising test devices 502-524 wherein each test device comprises a source, drain, gate line and a pair of dummy gate lines.”

Applicant respectfully disagrees.

That is, Hansch discloses a method for quantifying a proximity effect by measuring device performance in which a device performance quantity (e.g., a current of a transistor) of a test device is measured. Thereafter, based on the device performance quantity, a feature length (e.g., a gate length) of an actual device, is determined. Further, a fabrication processing (e.g., a fabrication condition) for the actual device is evaluated.

Hansch teaches that, when a series of test devices are provided with different characteristics, a number of different references can be obtained so that a wide range of

proximity effect information is available (e.g., see Column 7, lines 19-22).

Therefore, as shown in FIG. 5 of Hansch, each gate line and dummy gate line is not arranged with an even space (e.g., evenly spaced).

In contrast, one of the key features of the claimed invention, as defined exemplarily by independent claim 3, is that a first gate, a second gate, a first dummy gate, a second dummy gate, and a third dummy gate are evenly spaced. Thus, Hansch fails to disclose or suggest each and every feature of the present invention as recited in independent claim 3 and further fails to achieve the advantages of the invention as described in the present specification.

#### **B. The §103 Rejection Based on Hansch et al. in view of Ham '595**

Regarding the rejection of claims 4-12, the Examiner asserted that Hansch discloses all limitations recited in claim 4 except for a first and second gate being respectively three forked.

Even assuming arguendo that the Examiner's position has some merit and that it would have been obvious to combine the references in the manner urged, claim 4 (by virtue of its dependency from independent claim 3) recites that a first gate, a second gate, a first dummy gate, a second dummy gate, and a third dummy gate are evenly spaced. However, as discussed above, this feature is neither disclosed nor suggested by any of Hansch or Ham, either alone or in combination.

Moreover, there is no teaching or suggestion of "wherein a first distance between said first gate and said first dummy gate and a second distance between said second gate and said first dummy gate are substantially the same as each other, ..."

Therefore, claim 4 is believed to be patentable not only by virtue of its dependency from claim 3, but also for the additional limitations which it recites, as well.

Further, new claim 13 is believed to be patentable for at least its dependency from independent claim 3.

Claim 5 is believed to be patentable, also for at least a similar reason as that of claim 4. New claims 14 and 15, as well as claims 18-25, are believed to be patentable for at least their dependency from their respective independent claims.

With respect to the 35 U.S.C. § 103(a) rejection of independent claim 6, independent claim 6 defines "... a first distance between said first contact hole and said first gate electrode layer is substantially the same as a second distance between said third contact hole and said second gate electrode, and a third distance between said second contact hole and said first gate electrode layer is substantially the same as a fourth distance between said fourth contact hole and said second gate electrode layer while a mask for forming said first to fourth contact hole is misaligned" (emphasis Applicant's).

On the other hand, Hansch fails to teach or suggest a relationship between a first contact hole of a first device and a second contact hole of a second device, let alone the claimed relationship. Similarly, Ham fails to teach or suggest an arrangement of two transistors, as in the claimed invention. Neither Hansch nor Ham, nor their combination, discloses or suggests the features of the claimed invention as defined by any of claims 4-9 and 11-25.

Indeed, claim 11 is believed to be patentable for many of the reasons discussed above with regard to claim 4. Further, new claims 16 and 17 are patentable due to at least its dependency and they are supported at least by a description in page 11, lines 12-17, and Fig. 2.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of "[a] semiconductor device, comprising:

*a first transistor having a first gate put between a first source and a first drain;*

*a second transistor arranged adjacent to said first transistor, said second transistor having a second gate put between a second source and a second drain, said second gate arranged parallel to said first gate;*

*a first dummy gate arranged between said first drain and said second source and parallel to said first gate;*

*a second dummy gate arranged adjacent to said first source and parallel to said first gate; and*

*a third dummy gate arranged adjacent to said second drain and parallel to said first gate,*

*wherein said first and second gates, and said first, second and third dummy gates are*

substantially evenly spaced" (emphasis Applicant's), as exemplarily defined by independent claim 3.

For the reasons stated above, the claimed invention is fully patentable over the cited references.

Further, the other prior art of record has been reviewed, but it too even in combination with Hansch and Ham fails to teach or suggest the claimed invention.

### III. FORMAL MATTERS AND CONCLUSION

A minor error has been corrected in the disclosure.

The Office Action objects to Figures 6-8. However, Figures 6-8 are only "Related Art" against the claims of the present application, as opposed to "Prior Art". Hence, to label these Figures as "Prior Art" would be erroneous.

Submitted herewith is a proposed drawing correction to Figure 1, marked in red, to overcome the Examiner's Rule 84 objections to the drawings.

In view of the foregoing, Applicant submits that claims 3-9, and 11-25, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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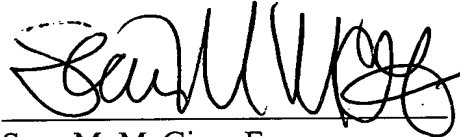
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

11/26/01

A handwritten signature in black ink, appearing to read "Sean M. McGinn", written over a horizontal line.

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